

REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-44 were pending prior to the Office Action. Claims 25-28 have been canceled and claims 45-52 have been added through this Reply. Therefore, claims 1-24 and 29-52 are pending. Claims 1, 6, 11, 16, and 45-48 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §102

Claims 1-2, 6-7, 11-12, 16-19, 25-31, 33-35, 37-39, and 41-43 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,577,746 to Evans et al. ("Evans"). As applied to the amended claims, Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and traverse the rejection.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102, the cited reference must teach or suggest each and every element in the claims. *See M.P.E.P. §2131; M.P.E.P. §706.02.* Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

As amended, independent claim 1 recites the features, *inter alia*, wherein the original image further includes second image data and wherein processed image data for output is obtained by:

extracting a portion of the initial image data that corresponds to the second image data,

including in the processed image data a portion of the equivalent original picture data read from the storage means that corresponds to at least the portion of the original picture in the initial image data, wherein the portion of the equivalent original picture data in the processed image data geometrically agrees with at least the portion of the original picture in the initial image data; and

composing the processed image data for output such that the second image data is in the processed image data and wherein the second image data overlays the portion of the equivalent original picture data in the processed image data.

Contrary to the Examiner's contention that Evans discloses all the features of the independent claims, Evans does not disclose or suggest that the processed image data is composed for output such that the second image data overlays the equivalent original picture data read from the storage means and corresponding to at least the portion of the original picture in the initial image data. In other words, the processed data of the instant invention is composed by acquiring from storage the equivalent original picture data corresponding to the portion of the original picture present in the initial image data. Second image data present in the initial image data is extracted from the initial image data. This second image data is then present in the processed image data and overlays the equivalent picture data having been acquired from storage. After detailed analysis of the Evans reference, it is clear that Evans does not teach at least this feature of independent claim 1.

Therefore, at least because Evans fails to teach or suggest each and every claimed element, independent claim 1 is distinguishable from the prior art. Independent claims 6, 11, and

16 recite features similar to the aforementioned features of independent claim 1, and are therefore distinguishable from Evans for the same reasons presented with respect to claim 1. Claims 2-5, 7-10, 12-15, 17-24, and 29-44 depend from claims 1, 6, 11, or 16, directly or indirectly, and are distinguishable from Evans as least due to their dependency from the independent claims.

Accordingly, Applicants submit that the independent claims distinguish from the prior art and respectfully request that the rejection of the claims under 35 U.S.C. § 102(e) be withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

Claims 3-5, 8-10, 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Evans in view of U.S. Patent No. 5,956,716 to Kenner (“Kenner”). Claims 20-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Evans in view of U.S. Patent No. 5,850,481 to Rhodes (“Rhodes”). Claims 32, 36, 40, and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Evans in view of U.S. Patent No. 3,852,088 to Godlewski et al. (“Godlewski”). Applicants respectfully traverse these rejections.

In this instance, the rejected claims are all dependent upon one of independent claims 1, 6, 11, and 16, which stand rejected under § 102(e) in view of Evans as previously discussed, *supra*. As demonstrated above, Evans fails to teach or suggest at least “composing the processed image data for output such that the second image data is in the processed image data and wherein the second image data overlays the portion of the equivalent original picture data in the processed

image data” as recited in the independent claims. The references to Kenner, Rhodes, and Godlewski have not been, and indeed cannot be, relied upon to correct at least this deficiency of Evans. Therefore, for at least the reasons stated with respect to the independent claims, claims 3-5, 8-10, 13-15, 20-24, 32, 36, 40, and 44 are also distinguishable from any combination of Evans, Kenner, Rhodes, and Godlewski.

Therefore, Applicants submit that claims 3-5, 8-10, 13-15, 20-24, 32, 36, 40, and 44 are patentable over the prior art and respectfully request that the rejection of the claims under §103(a) be withdrawn.

New Claims

New claims 45-52 have been added through this Amendment. Support for the features of these claims can be found in the Specification, at least on page 13, line 22 – page 16, line 14 and page 21, line 18 – page 22, line 1. No new matter has been entered by this Amendment. Applicants submit that these new claims distinguishable from the prior art at least for the reasons presented herein with respect to independent claims 1, 6, 11, and 16.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact D. Richard Anderson (Reg. No. 40,439), to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: April 9, 2007

Respectfully submitted

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